

**NOTICE OF FORECLOSURE SALE**

**ASSERT AND PROTECT YOUR LEGAL RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY**

**Date:** December 8, 2016

**Substitute Trustee:** CYNTHIA A. SPENCER

**Address of Substitute Trustee:** 1102 Main Street, Garland, Dallas County, Garland, Texas 75040

**Note**

**Date:** December 18, 2013

**Amount:** \$109,360.00

**Borrower:** TIMOTHY CARY

**Lender:** FIRST BANK

**Holder:** FIRST BANK

SHARON  
COUNTY CLERK  
COLLIN COUNTY, TEXAS  
BY:  DEPUTY

2016 DEC -8 PM 1:06

FILED

**Deed of Trust**

**Date:** December 18, 2013

**Grantor:** TIMOTHY CARY and wife, SARAH CARY

**Lender:** FIRST BANK

**Trustee:** DONNIE B. PARK

**Recording information:** Instrument No. 20131226001678650 of the Real Property Official Records of Collin County, Texas

**Property:** Lot 9, Block 27, PARK FOREST ADDITION NO. 4, an Addition to the City of Plano, Collin County, Texas, according to the map or plat thereof recorded in Volume 10, Page 2, of the Map Records of Collin County, Texas; also known as 920 Whitehall Drive, Plano, Texas 75023

**Foreclosure Sale**

**Date of Sale**  
**(first Tuesday of month):** January 3, 2017

**Time of Sale:** 10:00 A.M. and no later than 3 hours after that time

**Place of Sale:** Southwest Entrance of the Jack Hatchell Collin County Administration Building located at 2300 Bloomdale Road, McKinney, Texas 75071

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Lender's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Those desiring to purchase the Property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to a return of the deposit paid. The purchaser shall have no further recourse against any persons, including without limitation, the Substitute Trustee, Borrower, Lender, Beneficiary, Holder or Beneficiary's attorney.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

Notice is given that on the Date, Time and Place for the Foreclosure Sale described above, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust and applicable Texas law.

If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien of the Deed of Trust by Lender. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold **“AS IS” without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust.** Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to Section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

  
CYNTHIA A. SPENCER